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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

Nicole Costanzo, an individual,

Civil Action No.: 2:17-cv-00460-PHX-DGC

Plaintiff.

V.

**NOTICE OF FILING AMENDED
COMPLAINT**

C.R. Bard, Inc., a corporation, and Bard Peripheral Vascular, Inc., an Arizona corporation,

Defendants.

Pursuant to Local Rule of Civil Procedure 15.1(b), Plaintiff Nicole Costanzo respectfully submits this Notice of Filing First Amended Complaint. Attached as Exhibit A is a copy of the amended complaint that indicates in what respect it differs from the original complaint. The original complaint has not yet been served on the Defendants.

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2 RESPECTFULLY SUBMITTED this 14th day of February, 2017.

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LOWE LAW GROUP

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By /s/ T. Aaron Stringer

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T. Aaron Stringer

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Nathan Buttars

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6028 S. Ridgeline Drive, Suite 200

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Ogden, UT 84405

Attorneys for Plaintiff(s)

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CERTIFICATE OF SERVICE

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14

I hereby certify that on this 14th day of February, 2017, I electronically transmitted
the attached document to the Clerk's Office using the CM/ECF System for filing and
transmittal of a Notice of Electronic Filing.

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/s/ T. Aaron Stringer

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T. Aaron Stringer

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EXHIBIT A
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2 **IN THE UNITED STATES DISTRICT COURT**
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4 **FOR THE DISTRICT OF ARIZONA**

5 **IN RE BARD IVC FILTERS**
6 **PRODUCTS LIABILITY LITIGATION**

7 No. MD-15-02641-PHX-DGC

8 **FIRST AMENDED MASTER SHORT**
9 **FORM COMPLAINT FOR DAMAGES**
10 **FOR INDIVIDUAL CLAIMS**

11 Plaintiff(s) named below, for their Complaint against Defendants named below,
12 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

13 Plaintiff(s) further show the Court as follows:

14 1. Plaintiff:

15 Nicole Costanzo

16 2. Spousal Plaintiff's spouse or other party making loss of consortium claim:

17 N/A

18 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
19 conservator):

20 N/A

21 4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
22 implant:

23 New York

24 5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
25 injury:

26 New York

1 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

2 New York

3 7. District Court and Division in which venue would be proper absent direct
4 filing:

5 Eastern District of New York

6 8. Defendants (check Defendants against whom Complaint is made):

7 C.R. Bard Inc.

8 Bard Peripheral Vascular, Inc.

9 9. Basis of Jurisdiction:

10 Diversity of Citizenship

11 Other: _____

12 a. Other allegations of jurisdiction and venue not expressed in Master
13 Complaint:

14 _____
15 _____
16 _____

17 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
18 a claim (Check applicable Inferior Vena Cava Filter(s)):

19 Recovery® Vena Cava Filter

20 G2® Vena Cava Filter

- G2® Express Vena Cava Filter
 - G2® X Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other:

11. Date of Implantation as to each product:

May 12, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*

- Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable ~~Ohio~~ New York Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes

No

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RESPECTFULLY SUBMITTED this 13th 14th day of February, 2017.

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By: /s/ T. Aaron Stringer
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Attorneys for Plaintiffs

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/s/ T. Aaron Stringer
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